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FOR S, D, P, G, R, DS, DRL, AND AF/AS FRAZER FROM THE
AMBASSADOR

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TAGS: [PREL](#) [KE](#)

SUBJECT: KENYA'S ELECTORAL CRISIS: WORKING FOR A SOLUTION

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JANUARY 4-11

Classified By: Political Counselor Larry Andre for reasons 1.4 (b,d)

[1](#)1. (C) Summary. With strong support through the Secretary's calls and A/S Frazer's recent visit, we are continuing intensive efforts to facilitate dialogue between President Kibaki and Raila Odinga in order to achieve a political resolution of the post-electoral crisis. If achieved, this will be but the beginning of a process to address underlying issues. Both have privately signaled willingness to meet without pre-conditions. The likely visit of Kofi Annan early next week provides an important opportunity to arrange a meeting between the two. The U.S. continues to be viewed by both sides as crucial to a solution. Odinga's victory in electing the Speaker of Parliament January 15 has changed the dynamics by giving him more leverage for dialogue. Kibaki realizes he will have to work with Odinga. End summary.

[1](#)2. (C) As reported in refs, since the outset of the election crisis, we have been working to promote a solution. These efforts have focused on efforts to facilitate dialogue between President Kibaki and Raila Odinga, and their respective camps. At the same time, I have been involved in intensive public diplomacy, with messages directed at the

Kenyan people as well as the two sides. Although progress has been made, there has been no breakthrough and tensions remain high.

Nature and Dimensions of Violence

¶3. (C) Sitreps have reported on the security situation (refs C, I, J, O, P, Q, and S). The substantial violence that took place has claimed hundreds of lives and has displaced over 200,000, mainly in Rift Valley and Nyanza provinces. As reported in ref R, the violence has involved attacks by Kalenjin and Luo supporters of Odinga against Kikuyu, Kisii, and Kamba supporters of Kibaki. Kisii, although they split their vote between Kibaki and Odinga, have also been attacked by Kalenjins and Luos as "Bantu foreigners" occupying Nilotic lands. Kalenjins and Luos have been affected to a much lesser extent, although some have fled to the Nairobi environs from neighboring Kikuyu-dominated Central Province. Violence has largely diminished during recent days, but tensions remain high and we continue to receive reports of sporadic violent incidents (and there was some violence connected to demonstrations held January 16).

¶4. (C) There are credible reports that much of the violence, particularly the worst violence carried out in Rift Valley, was well-organized. (One factor may have been that the violence in Rift Valley coincided with the end of month-long initiation rites for Kalenjin youth.) Indications are that such violence was planned well before the electoral results were known. It is worth remembering, in this context, that one of the main campaign issues of Odinga's Orange Democratic Movement (ODM) was majimboism (the notion that

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each region and tribal group is entitled to relative autonomy in its area). This raised expectations among Kalenjins in their traditional Rift Valley area that Kikuyus would be forced off land they own there. Some of the violence, particularly in Odinga's home area of Nyanza, was likely spontaneous, but also involved a degree of opportunistic criminality. The very high unemployment and relative poverty rate for youth throughout the country is also a contributing factor to violence.

¶5. (C) Although Kenyans are certainly aware of underlying problems between communities that have existed for many years, the extent and brutality of the violence has shocked Kenyans across the tribal, social, and political spectrum. While the violence ranged between spontaneous and planned, it brought home to virtually all observers that what happened revealed the depth of long-simmering unresolved grievances. Those include the reality and perception of marginalization of certain areas, centralization of power in Nairobi, the absence of any land reform policy, and Kikuyu domination of the economy and government. Much of the violence was clearly aimed at forcing Kikuyus to abandon their homes and farms in Rift Valley. The objective did not seem to be to kill Kikuyus, although hundreds probably died resisting efforts to force them to flee. There has not been a significant amount of violent Kikuyu reaction yet, and the government deserves credit for helping prevent that. The violence that happened never approximated, even in miniature, a Rwanda-style slaughter.

¶6. (C) That said, tensions between these tribal communities have risen in the wake of the violence, with a number of hate messages appearing in SMS texts, for example. We are monitoring vernacular radio stations and have not found much in the way of hate speech. The extent of tensions was, however, highlighted by rising ethnic tension within the Mission, something which I addressed firmly in a town hall meeting. We are providing necessary support to our Kenyan staff's efforts to deal with this national tragedy.

Public Diplomacy and the Voice of Kenyans

¶17. (C) One of the more encouraging developments has been that the voice of the Kenyan people against violence and for a political solution to the post-electoral crisis is being felt. Last week all the media coordinated the launching of a &save our beloved country8 campaign, which included constructive editorials; the featuring of peace, reconciliation, and unity messages; and the hosting of live call-in shows. Civil society groups have stepped forward, and religious groups are speaking out. Our MIST team is endeavoring to work with key civil society groups and the media to support their positive messages. We are in close touch with a wide range of civil society and religious groups.

¶18. (C) My public diplomacy efforts have involved dozens of radio and live TV interviews (thus flouting the government's ban on live media news coverage), and interviews with the print media. Radio shows have generated extensive call-ins, with one station receiving several hundred. My message focuses on the need for a political resolution (including some form of power-sharing and commitment to institutional reform), the importance of non-violence and respect for the rule of law, the need for ordinary Kenyans to make their voices heard, the U.S. position of &no business as usual8 until the crisis has been resolved, and my confidence that Kenyans are fully capable of working out a way forward. Feedback to the forthright U.S. public approach has been extremely positive. (With the U.S. having an 85 percent approval rating here, the U.S. voice is influential.)

¶19. (C) The fact that the government has restricted live media news coverage (based on the rationale that this is essential in order to control violence and hate speech) and has banned all demonstrations has made vigorous public diplomacy all that more important. The ODM has welcomed the U.S. approach, and the government has acknowledged that our efforts have

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been even-handed. We are publicly and privately pressing the government to end media restrictions and to permit peaceful demonstrations (at least in Nairobi, where there had been no violence in recent days). The government's refusal to give the ODM a permit for demonstrations planned for January 16 and 17 resulted in some confrontations with protesters and at least four deaths.

Facilitating a Political Accommodation

¶10. (C) Even as the violence was occurring, we were heavily engaged in efforts to promote dialogue between Kibaki and Odinga, and their respective teams. Almost from the outset of the electoral crisis, both have privately signaled their willingness to talk. However, those positions were heavily caveated. Kibaki has insisted that he will not step down since he was declared the winner by the Electoral Commission, even if the process was flawed. Odinga's initial position was that there must be a recount and/or new election after a short interim period of several months. Calls by the Secretary to Odinga and Kibaki, and the visit by A/S Frazer

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during January 4 to 11, were instrumental in pushing both towards realistic positions for dialogue. As a result, Kibaki and Odinga have privately indicated willingness in principle to hold a one-on-one meeting without pre-conditions.

¶11. (C) Odinga has repeatedly insisted that any discussions must be mediated by the international community. Kibaki refuses to accept the concept of outside &mediation,8 but both seem to accept some form of &facilitation8 of direct

talks. Although AU Chairman Kufuor was unable to bring about direct talks during his visit last week, his visit was constructive in pinning both sides down to general acceptance of the need for discussions focused on achieving some form of power-sharing, an agreed agenda for institutional reform (constitutional, electoral, decentralization, land), and a commitment to work together to end violence. This was encapsulated in the statement Kufuor made at the end of his visit. His efforts to bring the two sides together were complicated by a document that was drafted under the aegis of the local World Bank representative by low-level representatives of the Kibaki and Odinga camps. The document was ostensibly intended to provide a point of departure for negotiations (focusing on examination of what went wrong in the elections, agreement to facilitation by a group of eminent persons, and next steps to move the country forward).

The representatives of the two sides claimed they were in direct touch with Kibaki and Odinga (we know Odinga had seen the document). Odinga insisted that Kufuor get Kibaki's final blessing on the document before Kibaki and Odinga met together with Kufuor. When Kufuor showed the document to Kibaki it was evident that Kibaki had never seen it.

¶12. (C) Despite this contretemps, Kibaki and Odinga have subsequently made clear their commitment to dialogue. The upcoming visit of Kofi Annan, accompanied by the other eminent persons former President Mkapa and Graca Machel, provides a major opportunity to broker a meeting between the two. Latest reports are that Annan will probably arrive over the weekend or early next week. We have made clear to both sides that we strongly support this visit and expect the two sides to use it to facilitate direct dialogue between Kibaki and Odinga.

U.S. Role

¶13. (C) Both sides continue to view the U.S. as crucial to a political solution. This is because both appreciate the huge dimensions of the partnership between the U.S. and Kenya. This embraces about USD 2 billion in funds flowing from the U.S. to Kenya annually (from all sources including USG assistance, remittances, private investment, tourism to Kenya, etc.); the large number of Kenyan students in the U.S. (more than from any other sub-Saharan African country); the

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extensive network of American non-governmental groups working in Kenya; the Kenyan diaspora in the U.S.; and shared regional interests (particularly Somalia and Sudan).

¶14. (C) Partly as a result of the strict neutrality that we maintained throughout the electoral campaign and U.S. efforts to ensure a credible electoral process, Kibaki and Odinga see us as a credible interlocutor. They trust us to facilitate dialogue and to help overcome the deep distrust each side has for the other. We have been encouraging dialogue through frequent meetings with Kibaki, Odinga, and members of their teams. In effect, there has been indirect dialogue with us as the intermediary. A/S Frazer's visit was instrumental in moving this forward. The statement issued at the end of her visit, which referred to no business as usual until the crisis is resolved, rattled the cages of both sides in a helpful way, and highlighted to all our seriousness on the need for rapid progress.

¶15. (C) Kibaki and Odinga are mirror images of one another, in that both are surrounded by hardliners who do not want to achieve a real political accommodation. To some extent Kibaki and Odinga may be using this as an excuse not to engage, but there is also the reality that they must bring along their people if the results of any dialogue are to be meaningfully implemented. Our ability to talk directly to Kibaki and Odinga helps cut through the hardliners, but they remain highly influential on both sides. That is why only a

direct contact between Kibaki and Odinga can get serious dialogue started.

¶16. (C) The immediate objective is to get a process started that will end violence, return the country to relative normalcy, and create the space necessary to achieve a political accommodation and to begin to address the underlying issues that manifested themselves in the violence. This means having Kibaki and Odinga designate teams to negotiate on a formula for power-sharing, to map out an agenda for institutional reform, and to end violence.

¶17. (C) As ref H reports, Odinga's January 15 victory in electing an ODM Speaker of the Parliament changes the dynamics in a potentially positive way. Having finally scored a win) and a big one) Odinga is in a stronger position to bargain with Kibaki. Kibaki and hardliners around him have been dealt a blow, and will have to find a way to work with Odinga if they want to have a constructive legislative agenda. Odinga has close to an absolute majority in the Parliament.

¶18. (C) As of this writing, both sides continue to posture publicly and to pursue misguided strategies while privately signaling willingness to talk. Government and ODM hardliners continue to make tough public statements with maximalist positions (one government minister's statement rejecting outside meddling; ODM statements insisting Kibaki is illegitimate). ODM demonstrations January 16 and 17 were intended to keep pressure on the government and to show the limits of the government's security resources as part of the threat to make the country ungovernable. This resulted in some violence in Nairobi and other parts of the country as the police reacted. At least four people were killed.

¶19. (C) While dealing with both sides has been our primary focus, we are also working all sources of potential influence to promote dialogue and end violence. This includes extensive contacts with the business community (the Kikuyu elite and others), civil society, the media, and religious groups. Ref E addresses the huge economic consequences of the post-electoral crisis.

¶20. (C) The election crisis is a watershed for Kenya in that the country has not gone through a period of such intense ethnic violence since the Mau Mau insuregency in the 1950s. Observers across ethnic lines agree this reflects fundamental problems that must be addressed in order to ensure long-term stability. There is no quick fix. The U.S. is uniquely situated to help Kibaki and Odinga, and the Kenyan people, put in place a process to address the underlying issues in a

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way that will stop violence. While achieving that is by no means assured, Kenya has (as discussed in previous messages) inherent strengths that make chances for success reasonable. The country can emerge from this crisis on the path towards a stronger democracy. The priority that the U.S. is giving to achieving this reflects the importance of Kenya to our regional interests and to our broader objective of fostering democratic governance.

RANNEBERGER